

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/11/2019

BOARD MEMBERS PRESENT: Paul J Morgan - Chair
H Scott Calhoun
Brent Lee Stanger
Eric J Brinton

BOARD MEMBERS ABSENT: B Jane McClaran

BUREAU STAFF: Kelley Packer, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Rob McQuade, Legal Counsel
Eric Nelson, Board Prosecutor
Cesley Metcalfe, Technical Records Specialist II

OTHERS PRESENT: William Hentges, Registered Trainee

The meeting was called to order at 8:30 AM MST by Paul J Morgan.

INTRODUCTIONS

Ms. Packer and Mr. McQuade introduced themselves to the Board.

APPROVAL OF MINUTES

Mr. Calhoun made a motion to approve the minutes of December 10, 2018. It was seconded by Mr. Stanger. Motion carried.

LEGISLATIVE REPORT

Ms. Packer gave the legislative report. She notified the Board that its rules were approved in both the House Business Committee and the Senate Commerce and Human Resources Committee.

Ms. Packer also updated the Board on two Executive Orders that were signed by Governor Little on January 31. The Licensing Freedom Act of 2019 establishes a sunrise review process for new proposed licenses and a sunset review process for existing licenses. The sunrise clause does not affect existing licenses. The sunset

clause establishes an executive branch audit of the provisions currently in place for specific license types. The Red Tape Reduction Act states that for each new administrative rule proposed, rulemaking parties must submit a minimum of two rules for repeal or simplification, or a statement as to why this is not possible.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$729,210.01 as of December 31, 2018.

The Board discussed the balance and the proposed fee decreases that have been presented to the Legislature this session.

TRAVEL POLICY REVIEW

Ms. Eavenson reviewed the state travel policy with the Board.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case number REA-2019-2. After discussion, the Board gave recommendations for appropriate discipline. Mr. Brinton was recused.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

Ms. Peel also discussed the cognizant member review process with the Board.

FOR BOARD DETERMINATION

Mr. Stanger made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2019-1. It was seconded by Mr. Calhoun. Motion carried. Mr. Brinton was recused.

Mr. Calhoun made a motion to approve the Bureau's recommendation and authorize closure with a warning letter in case I-REA-2019-10. It was seconded by Mr. Brinton. Motion carried.

Mr. Stanger made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2019-12. It was seconded by Mr. Calhoun. Motion carried. Mr. Brinton was recused.

Mr. Stanger made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2019-13. It was seconded by Mr. Brinton. Motion carried.

Mr. Stanger made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2019-14. It was seconded by Mr. Calhoun. Motion carried. Mr. Brinton was recused.

Mr. Calhoun made a motion to accept the CEU settlement in case REA-2019-1 and authorize the Board Chair to sign on behalf of the Board. It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to accept the CEU settlement in case REA-2019-3 and authorize the Board Chair to sign on behalf of the Board. It was seconded by Mr. Stanger. Motion carried.

OLD BUSINESS

The Board reviewed the To Do List and directed Bureau staff to remove all items that have been completed.

NEW BUSINESS

PROPOSED LAWS AND RULES

The Board discussed requiring email addresses for all licensees so that Board correspondence can be sent electronically. Mr. McQuade will look into whether this should be a Bureau requirement for all Boards.

ASSOCIATION OF APPRAISER REGULATORY OFFICIALS (AARO) ANNUAL MEMBERSHIP DUES

Mr. Calhoun made a motion directing Bureau staff to pay the 2019 AARO annual membership dues. It was seconded by Mr. Brinton. Motion carried.

AARO SPRING CONFERENCE

The Board discussed the upcoming AARO Spring Conference and Regulatory Training course. Mr. Calhoun made a motion to authorize two Board members to attend the training; all interested Board members to attend the conference; and Bureau staff to pay the related expenses. It was seconded by Mr. Brinton. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence from an individual seeking guidance on whether his college courses meet some educational requirements for licensure. Mr. Calhoun made a motion directing Bureau staff to send a response providing a copy of the requirements and additional direction from the Appraisal Qualifications Board; suggest that he may wish to consult with his academic advisor; and explain that the Board is unable to pre-approve coursework prior to submission of an application for licensure. The response will be reviewed and signed by the Board Chair. It was seconded by Mr. Brinton. Motion carried.

The Board reviewed correspondence from an individual seeking to know if the Board will approve any continuing education (CE) credit for an appraisal course that he instructs. Mr. Calhoun made a motion directing Bureau staff to send a response directing the inquirer to rule 401.03; informing him that CE credit for instructing a course shall not exceed half of the total CE requirement; and advising that credit for such may only be claimed once per CE cycle. The response will be reviewed and signed by the Board Chair. It was seconded by Mr. Brinton. Following discussion, Mr. Calhoun amended his previous motion to include that the education submitted is approved for up to fifteen (15) hours of credit per CE cycle. It was seconded by Mr. Brinton. Motion carried.

EXECUTIVE SESSION

Mr. Calhoun made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Mr. Stanger. The vote was: Mr. Morgan, aye; Mr. Calhoun, aye; Mr. Stanger, aye; and Mr. Brinton, aye. Motion carried.

Mr. Calhoun made a motion to come out of executive session. It was seconded by Mr. Brinton. The vote was: Mr. Morgan, aye; Mr. Calhoun, aye; Mr. Stanger, aye; and Mr. Brinton, aye. Motion carried.

CE COURSES

The Board approved the following courses:

APPRAISER ELEARNING LLC - 2019 Appraisers Conference & Trade Show Day 1
APPRAISER ELEARNING LLC - 2019 Appraisers Conference & Trade Show Day 2
ASFMRA - Back to Earth: Current State of Section 1031 Exchanges
ASFMRA - Introduction to the Valuation of Permanent Plantings
ASFMRA - Legal Perspectives of Heirs Property Partition Action
ASFMRA - Mapping Software and Data for Rural Land Appraisal

APPLICATIONS

Mr. Calhoun made a motion to approve the following for examination:

901137392
901151976
901155235

It was seconded by Mr. Brinton. Motion carried.

NEXT MEETING was scheduled for April 17, 2019 at 8:30 AM MDT.

ADJOURNMENT

Mr. Calhoun made a motion to adjourn the meeting at 11:36 AM MST. It was seconded by Mr. Stanger. Motion carried.

Paul J Morgan, Chair

H Scott Calhoun

Brent Lee Stanger

B Jane McClaran

Eric J Brinton

Kelley Packer, Bureau Chief